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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

MICHAEL SCOTT BRUMBACK, an  
individual, et al.,

Plaintiffs,

v.

ROBERT W. FERGUSON, in his  
official capacity as Washington State  
Attorney General, et al.,

Defendants.

NO. 1:22-cv-03093-MKD

DECLARATION OF RYAN  
BUSSE IN OPPOSITION TO  
PLAINTIFFS' MOTION  
FOR INJUNCTIVE AND  
DECLARATORY RELIEF

NOVEMBER 23, 2022  
With Oral Argument: 11:00 a.m.

I, Ryan Busse, declare under penalty of perjury under the laws of the  
United States that the information in this declaration is true:

1. I am over the age of 18, competent to testify as to the matters in my  
declaration, and make this declaration based on my personal knowledge.

2. I was raised with firearms as an integral part of my life. I began  
shooting with various guns as a young boy and continued to regularly use and

1 study guns throughout my life (I am now 52). After graduating college, I entered  
2 the shooting industry in 1992. I became a sales executive in the firearms industry  
3 in 1995 and I spent more than 25 years in this role. While in the industry, I  
4 developed innovative sales teams, maintained relationships with the largest  
5 national retailers and was responsible for worldwide sales of millions of firearms.  
6 I built a dealer-direct sales network which included more than 2500 firearms  
7 dealers including locations in all 50 states and I regularly visited these dealers. In  
8 my job I also studied and built sales programs that relied on understanding the  
9 technical nature of most available firearms in the U.S. market. During my career  
10 I played an integral role in building one of the largest firearms companies in the  
11 United States (Kimber) and I was nominated by shooting industry leadership  
12 many times for the Shooting Industry Person of the year award (the highest award  
13 given to an individual in the firearms industry.) I served in an executive sales  
14 capacity as a Vice President of Sales until August 2020. I left the firearms  
15 industry because I was concerned about what I believed to be irresponsible and  
16 dangerous marketing and sales practices. While in the industry I served as an  
17 advisor the United States Senate Sportsmen's Caucus, and as the board chairman  
18 for Backcountry Hunters & Anglers (a national wildlife conservation and hunting  
19 organization.) Since I left, I have served as an advisor to the Biden campaign, I  
20 have testified to congress twice, and I have been called to testify in closed-door  
21 briefings at the U.S. Senate. I remain a proud and active gun owner, outdoorsman  
22 and advocate for responsible gun ownership.

1           3.       When I first started my work in the gun industry neither AR-15s nor  
2 large capacity magazines (those capable of holding more than 10 rounds) were  
3 common. There was an unspoken agreement in the industry that tactical guns and  
4 gun paraphernalia—and virtually all large capacity magazines were considered  
5 tactical at this time—would not be displayed at trade shows or used at industry  
6 sponsored shooting events. Individuals who brought such rifles to shooting  
7 events were asked not to return. This remained true as late as 2007. It wasn't until  
8 very recently that the gun industry began to push AR-15s leading to their  
9 popularization today.

10           4.       Despite the recent popularization of large capacity magazines, it is  
11 important to note that I am not aware of a single existing firearm that requires a  
12 high capacity magazine to function as designed. By this I mean that all firearms  
13 that can accept a large capacity magazine can also accept a magazine that holds  
14 10 or fewer rounds and function precisely as intended. This is true even of  
15 AR-style rifles. Although many AR-style rifles are sold with a 30 round  
16 magazine, the manufacturers all offer the optional purchase of 10 round or even  
17 lower capacity magazines. There are many pistols (such as the very popular  
18 Model 1911—which was the accepted sidearm of the U.S. Military for decades  
19 and is still one of the most widely sold guns in the United States) that are built  
20 for magazines of eight rounds or less. While larger 10-plus round magazines exist  
21 for the 1911 and other similar pistols, a smaller magazine (standard seven or eight  
22 round) are considered preferable by almost all consumers because the physical

1 size/profile of the shorter magazine is easier to carry, shoot and conceal. Still  
2 today the 1911 and other similar guns which are built to function with sub-10  
3 round magazines are built by many gun companies (Smith and Wesson, Ruger,  
4 Kimber, Springfield, Rock Island, Dan Wesson, and many other companies build  
5 and sell these 1911 pistols) and they are sold in high volumes by most retailers  
6 in the United States. These guns are still considered extremely effective  
7 self-defense firearms by many of the leading firearms trainers in the country.

8 5. Today there are also many handguns that can accept a magazine  
9 within 15–20-plus rounds, but these handguns can accept and fully function with  
10 a magazine that holds 10 or fewer rounds. Firearm manufacturers have been  
11 providing these lower capacity magazines for years and can easily modify a “high  
12 capacity” magazine into one that will accept only 10 rounds but still function just  
13 as designed in a firearm. In 1994, Congress enacted the Violence Crime Control  
14 and Law Enforcement Act that prohibited the possession of “large capacity  
15 ammunition feeding devices” defined as any magazine capable of accepting more  
16 than ten rounds of ammunition. California enacted a ban on the sale of large  
17 capacity magazines in 2000 and that law is still on the books today. Since that  
18 enactment, and still today, firearms manufacturers build and sell dozens of gun  
19 models and magazines that are compliant with that California law. I am not aware  
20 of any assertion that these guns, built for and sold in California, are incapable of  
21 functioning as designed.  
22

1           6.       Because a large capacity magazine is not a required component for  
2 a firearm to operate, it can and should be characterized as a firearms accessory.  
3 There is a massive market for magazines that far surpasses that of the market for  
4 firearms themselves in terms of numeric sales. There are companies, such as  
5 Magpul, that entirely specialize in firearms accessories including large capacity  
6 magazines. In fact, most firearms manufacturers do not consider the magazines  
7 as integral enough to build their own magazines for their own guns. In almost all  
8 cases even the largest gun manufacturers contract with “accessory makers” who  
9 build magazines and then supply them to the gun manufacturer who then sells the  
10 magazines with the guns but also as an “add-on” accessory. Based on my  
11 experience, these magazines are a large profit center for the gun industry and  
12 sales of these magazines are treated as a category separate from gun sales  
13 throughout the sales chain. For example, I am aware of compensation programs  
14 from gun manufacturers that offer increased payment for magazines as opposed  
15 to guns, and retailers often incentivize their employees to push a buyer to  
16 purchase additional magazines because it is known that consumers view the  
17 purchase of magazines as separate from the gun and they are therefore viewed as  
18 “add-on sales” for retailers. These magazines are almost always manufactured by  
19 third party companies (not the manufacturer of the firearm). The degree to which  
20 a magazine is viewed as an accessory by firearms retailers is reinforced by the  
21 fact that when manufacturers add additional magazines to the gun at the time of  
22 sale as an incentive to encourage consumers to purchase the gun, the practice

1 often upsets the retailers who view this as taking away an accessory sale they  
2 could have made.

3 7. In my experience, magazines are often used as marketing tactics to  
4 increase sales. Many gun buyers are encouraged to buy extra magazines of  
5 various sizes and they are encouraged to build an excess supply of more  
6 magazines than are needed even though these accessories basically never wear  
7 out. While it is possible for someone who shoots high volumes to eventually wear  
8 out a magazine, these shooters are exceptionally rare. Additionally, when a  
9 magazine begins to wear out you can purchase a new spring tune-up kit for the  
10 magazine and thereby refurbish the magazine.

11 8. It is also important to note that even the ability of guns to accept an  
12 external magazine is not as ubiquitous as one would be led to believe. Fixed  
13 magazine firearms are and have long been extremely prevalent. The majority of  
14 hunting rifles have a fixed internal magazine, all revolvers hold ammunition in  
15 what is in essence a circular fixed magazine, almost all shotguns are built with  
16 fixed magazines or without any magazine at all, some tactical rifles, and most  
17 tactical shotguns are built with, and function with fixed magazines.

18 9. Lastly, many widely available guns including all AR-15 style rifles  
19 accept all other AR-15 magazines. In other words, the magazine is a universal  
20 accessory much like tires that fit many brands of cars. This is true of AR-15  
21 magazines regardless of capacity or size (a 10 round AR-15 magazine will  
22 function in all other AR-15 style firearms). It is also true of the 1911 style pistol

1 which is one of the most popular self-defense guns in history. This century-old  
2 design is still a leading seller and its standard specifications call for a seven or  
3 eight round magazines. Dozens of the largest manufacturers in the world  
4 currently offer 1911 pistol models and magazines from each are interchangeable  
5 between all of these others. This interchangeability of magazines as accessories  
6 is illustrated by the fact that third party manufacturers who produce magazines  
7 for multiple gun companies will sometimes mistakenly ship a magazine from  
8 “company A” to “company B” because the only difference is the marking (there  
9 is no functional difference). I have personally witnessed this on multiple  
10 occasions.

11 I declare under penalty of perjury under the laws of the State of  
12 Washington and the United States that the foregoing is true and correct.

13 DATED this 17 day of October 2022 at Kalispell, Montana.

14 

15 \_\_\_\_\_  
Ryan Busse

**PROOF OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 24th day of October 2022 at Seattle, Washington.

s/ Andrew Hughes  
ANDREW HUGHES, WSBA #49515  
Assistant Attorney General